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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER WEINTROP, ADAM S	
			ART UNIT 2145	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,910

Applicant(s)

OWENS ET AL.

Examiner

Adam S. Weintrop

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/31/03 and 12/7/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claims 7, 14-15, 31-32, and 48-49** are objected to because of the following informalities:

Regarding **claim 7**, the word --changed-- on line 15 should be inserted between the words "has" and "comprises" to correct the claim language.

Regarding **claims 14, 31, and 48**, the term "the content" on claim line 2 has not been defined and should be replaced with --a content-- to improve the clarity of the claim language.

Regarding **claims 15, 32, and 49**, the term "a user device" has already been defined on claim line 2 and should be replaced with --the user device-- to improve the clarity of the claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 35-51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding **claims 35-51**, the claims are drawn towards a computer program stored on a computer-readable medium or a propagated signal. In order for a claim to be statutory, it must fall into a statutory category of invention being a method, manufacture, system, or composition of matter. A propagated signal is a natural phenomenon and such is a computer program stored on it.

In addition, **claims 35-51** are directed simply towards a computer program stored on a medium of signal. A computer program alone does not produce the tangible output requirement, as for a claim to be statutory. The claim must produce a concrete, tangible, and useful result. A computer program stored is non-functional descriptive material and is therefore non-statutory.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 3, 14-18, 20, 31-35, 37, and 48-51** are rejected under 35 U.S.C. 102(b) as being anticipated by Freund (US 5,987,611).

Regarding **claims 1, 18, and 35**, Freund anticipates:

A method, system, or computer program for using parental controls comprising:

- storing parental control information on a user device (column 28, lines 14-20, where the client saves the filtering rules);
- receiving a request from the user device to access a destination over a communications network (column 19, lines 61-66, where a request for a site is judged);
- using the parental control information stored on the user device to determine whether to grant the request from the user device (column 19, lines 61-66, where the system determines access for the particular site);
- allowing the user device access to the destination when the parental control information indicates that the request should be allowed (column 24, lines 4-5, where the rules allow access to sites);
- denying the user device access to the destination when the parental control information indicates that the request should be denied (column 24, lines 4-5, where the rules can deny access to sites);
- storing on a remote device information that is related to the parental control information stored on the user device (column 14, lines 2-8, where in order to transmit the rules to the client, the rules must first be on the remote server); and
- verifying the parental control information stored on the user device using the information stored on the remote device (column 22, lines 27-31, with the supervisor verifying the client has the rules that the supervisor has selected for

Art Unit: 2145

that client, seen as verifying the information stored on a user device with the remote information).

Regarding **claims 3, 20, and 37**, Freund anticipates:

The method as in claim 1, the system of claim 18, or the computer program of claim 35 wherein the information stored on the remote device includes a copy of a version of the parental control information stored on the user device (column 14, lines 2-8, where in order to transmit the rules to the client, the rules must first be on the remote server) and verifying the parental control information stored on the user device includes verifying the parental control information stored on the user device using the copy of the parental control information stored on the remote device (column 22, lines 27-31, with the supervisor verifying the client has the rules that the supervisor has selected for that client, seen as verifying the information stored on a user device with the copy of the information stored on the remote device).

Regarding **claims 14, 31, and 48**, Freund anticipates:

The method as in claim 1, the system as in claim 18, or the computer program of claim 35 wherein the parental control information includes parental control information that is based on age-appropriateness of the content (column 24, lines

Art Unit: 2145

1-9, where limiting access to a pornographic site is seen as age based content limiting).

Regarding **claims 15, 32, and 49**, Freund anticipates:

The method as in claim 1, the system as in claim 18, or the computer program of claim 35 wherein the parental control information is indicative of an identity that is signed into a user device (column 13, lines 34-43, where the rules are applicable for a given specific user, and column 14, lines 2-5, with the rules given out to a specific user, seen as indicative of the identity that is using the workstation).

Regarding **claims 16, 33, and 50**, Freund anticipates:

The method as in claim 1, the system as in claim 18, or the computer program of claim 35 wherein the communications network includes the Internet (column 8, lines 45-47).

Regarding **claims 17, 34, and 51**, Freund anticipates:

The method as in claim 1, the system as in claim 18, or the computer program of claim 35 wherein the destination includes a web site (column 13, lines 8-9, with a

list of URLs that a client can or cannot access seen as using the web as a destination to be monitored).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5-7, 11-12, 22-24, 28-29, 39-41, and 45-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund (US 5,987,611) in view of Nonaka et al. (US 5,619,716).

Regarding **claims 5, 22, and 39**, Freund teaches all of the limitations as described above except for using the information stored on the remote device to determine whether the information stored on the user device has changed. The general concept of performing this checking process is well known in the art as illustrated by Nonaka et al. Nonaka et al. teaches that a software component on one device can access the component on the server, check version numbers, and then update accordingly (column 8, lines 23-49). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freund with using version comparison of the two stored software components as taught by Nonaka et al. in order to dispense away manual updating processes as to

increase automation efficiency as noted in Nonaka et al.'s disclosure in column 2, line 66-column 3, line 2.

Regarding **claims 6-7, 23-24, and 40-41**, Freund and Nonaka et al. teach all of the limitations as described above, with Freund further teaching the process of checking change information upon an event or periodically (column 28, lines 3-32, where the client monitor connects to the supervisor with a login request, and this starts the process of downloading rules, seen as a change from a previous state, and then the supervisor and client regularly send messages back and forth to detect problems, seen as a periodic check for any information that has changed).

Regarding **claims 11, 28, and 45**, Freund teaches all of the limitations as described above except for comparing the copy of the parental control information stored on the remote device with the parental control information stored on the user device, the method further comprising:
when the parental control information stored on the user device does not match the copy of the parental control information stored on the remote device,
updating the parental control information stored on the user device. The general concept of performing this checking process is well known in the art as illustrated by Nonaka et al. Nonaka et al. teaches that a software component on one device can access the component on the server, check version numbers, and

Art Unit: 2145

then update accordingly, with the server updating the other device (column 8, lines 23-49). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freund with using version comparison of the two stored software components as taught by Nonaka et al. in order to dispense away manual updating processes as to increase automation efficiency as noted in Nonaka et al.'s disclosure in column 2, line 66-column 3, line 2.

Regarding **claims 12, 29, and 46**, Freund and Nonaka et al. teach all of the limitations as described above, however Freund does not teach sending a message to an identity when the information relating to the parental control information stored on the user device does not match the copy of the parental control information stored on the remote device. The general concept of sending the identity a message regarding the remote information and the local information versions do not match is well known in the art as illustrated by Nonaka et al. Nonaka et al. teaches that upon a version mismatch of the two copies of the software, a message to the user is initiated (column 9, lines 25-30, where the message is given to the user to notify the different version of the software). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freund and Nonaka et al. with using message notifications as further taught by Nonaka et al. in order to dispense away manual updating processes as to increase automation efficiency as noted in Nonaka et al.'s disclosure in column 2, line 66-column 3, line 2.

7. **Claims 2, 4, 8-9, 19, 21, 25-26, 28, 36, and 42-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund (US 5,987,611) in view of Hughes (US 6,854,009).

Regarding **claims 2, 19, and 36**, Freund teaches all of the limitations as described above except for using checksums of the versions for verification of the user information and the remote information. The general concept of verifying software versions using checksums is well known in the art as illustrated by Hughes. Hughes teaches that software versions can be compared from server to client with checksums, and then updated accordingly (column 14, line 62-column 15, line 8). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freund with using checksums to compare software configurations and verify the version as taught by Hughes in order to decrease administrator maintenance by automating updates as to increase efficiency.

Regarding **claims 4, 21, and 38**, Freund teaches all of the limitations as described above including using a copy of a version of the parental control information stored on the user device (column 14, lines 2-8, where in order to transmit the rules to the client, the rules must first be on the remote server) and verifying the parental control information stored on the user device includes

Art Unit: 2145

verifying the parental control information stored on the user device using the copy of the parental control information stored on the remote device (column 22, lines 27-31, with the supervisor verifying the client has the rules that the supervisor has selected for that client, seen as verifying the information stored on a user device with the copy of the information stored on the remote device).

Freund does not teach using checksums of the versions for verification of the user information and the remote information. The general concept of verifying software versions using checksums is well known in the art as illustrated by Hughes. Hughes teaches that software versions can be compared from server to client with checksums, and then updated accordingly (column 14, line 62-column 15, line 8). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freund's copy of versions with using checksums to compare software configurations and verify the version as taught by Hughes in order to decrease administrator maintenance by automating updates as to increase efficiency.

Regarding **claims 8, 25, and 42**, Freund teaches all of the limitations as described above except for using checksums of the versions for verification of the user information and the remote information, and updating the user device when there is a mismatch of checksum information. The general concept of verifying software versions using checksums is well known in the art as illustrated by Hughes. Hughes teaches that software versions can be compared from

server to client with checksums, and then updated accordingly, with the server sending the client the new software (column 14, line 62-column 15, line 8). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freund with using checksums to compare software configurations, verify the versions, and update accordingly as taught by Hughes in order to decrease administrator maintenance by automating updates as to increase efficiency.

Regarding **claims 9, 26, and 43**, Freund and Hughes teach all of the limitations as described above, however Freund does not disclose sending a message to an identity when the checksum comparison does not match. The general concept of sending a message to the identity when a checksum comparison of software is a mismatch is well known in the art as illustrated by Hughes. Hughes teaches that once checksum comparison is performed, the user can be presented with choices of what to do if a mismatch occurred (column 15, lines 2-8, where the choices are seen as messages). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freund and Hughes with using messages to the identities once checksum mismatch occurs as further taught by Hughes in order to decrease administrator maintenance by automating updates as to increase efficiency.

8. **Claims 10, 27, and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund (US 5,987,611) and Hughes (US 6,854,009) as applied to claims 8, 25, and 42 above, and further in view of Donohue (US 6,199,204).

Regarding **claims 10, 27, and 44**, Freund and Hughes teach all of the limitations as described above except for sending a message to the master user associated with an identity if checksum matching does not occur between local and remote information. The general concept of sending a master user a message if this occurs is well known in the art as illustrated by Donohue. Donohue teaches updating software can include an option of notifying a system administrator if an update is available (column 15, line 60-column 16, line 9). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freund and Hughes with notifying a master user about the update required as taught by Donohue in order to increase efficiency by automating the update process and letting users choose updates as noted in Donohue's disclosure in column 3, lines 1-7.

9. **Claims 13, 30, and 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund (US 5,987,611) and Nonaka et al. (US 5,619,716) as applied to claims 11, 28, and 45 above, and further in view of Donohue (US 6,199,204).

Art Unit: 2145

Regarding **claims 13, 30, and 47**, Freund and Nonaka et al. teach all of the limitations as described above except for sending a message to the master user associated with an identity if the copy matching does not occur between local and remote information. The general concept of sending a master user a message if this occurs is well known in the art as illustrated by Donohue.

Donohue teaches updating software can include an option of notifying a system administrator if an update is available (column 15, line 60-column 16, line 9). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Freund and Nonaka et al. with notifying a master user about the update required as taught by Donohue in order to increase efficiency by automating the update process and letting users choose updates as noted in Donohue's disclosure in column 3, lines 1-7.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Updating Software and Configuration Data In A Distributed Communications Network" (Symborski) describes the general concept of updating software in a client/server environment.

Art Unit: 2145

"Filtering the Internet: A Best Practices Model" (Balkin et al.) describes methods of filtering the content the Internet provides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam S. Weintrop whose telephone number is 571-270-1604. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AW 6/19/07


JASON CARDONE
SUPERVISORY PATENT EXAMINER